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TAGS: [PHUM](#) [PRELKPAO](#) [MO](#)
SUBJECT: LEADING INDEPENDENT WEEKLY CLOED FOR TAX

EVASION

REF: 09 RABAT 0608

Summary

1. (SBU) Summary: On January 27, 2010, a Moroccan commercial court seize and sealed the offices of independent weekly "Le Journal" for non-payment of taxes. While representatives of the court claim that action had no political overtones, we see this incident as only the latest, and most chilling, in a series of efforts on the part of the Government of Morocco (GO) to rein in the independent media in Morocco. End summary.

Le Journal: A History of Legal Woes

2. (SBU) Boubker Jamaï co-director of "Le Journal," told IO Ranz on January 28 that four bailiffs from the Moroccan commercial courts had seized the offices of "Le Journal" the day before and sealed its doors, posting guard out front to prevent anyone from entering. This action was taken on the order of a judge because of nearly 4.5 million dirham (over USD 560,000) in debts owed to the Moroccan social security and the tax administrations. Jamaï acknowledged the debts but insisted that the seizure was illegal, as the current newspaper owner is not the one that owes the back taxes; the debts date back to 1997-2002, when the newspaper was owned by a different company. He also blamed the Moroccan Government for Le Journal's persistent precarious economic situation, claiming that -- following an earlier run-in with the authorities in 2001, when the newspaper was banned for 40 days -- the Government pressured advertisers not to do business with "Le Journal." As a result, Jamaï stated, "Le Journal" lost 80 percent of its revenue, and never completely recovered its financial footing.

3. (SBU) Jamaï also mentioned that bank accounts of "Le Journal" had been seized a few weeks earlier in connection with an outstanding 3 million dirham (about USD 375,000) libel judgment dating back to 2006. That case involved Claude Moniquet, a Belgian researcher, who sued "Le Journal" after the newspaper reported that a research paper he wrote supportive of Morocco's stance on Western Sahara had been paid for by the royal palace. In 2007, Jamaï severed his editorial ties with "Le Journal," sold

his shares in the holding company and left for the U.S., where he spent over two years in self-imposed "exile" in an effort to shield "Le Journal" from having to pay the fine. He returned to the editorial masthead of "Le Journal" in the fall of 2009 when it became clear that none of these measures were succeeding in protecting "Le Journal" from further legal action.

Muted Local Reaction

¶4. (U) Beyond factual reporting of the closure, Moroccan press reaction has been very limited. Few newspapers have commented on the incident at all; of those that have, commentators have reflexively and predictably aligned themselves into two camps. Those predisposed to the government perspective (pro-Palace daily "Le Matin" and "Aujourd'hui le Maroc," which tends to align itself with the security establishment) have focused on the taxes owed, denying that the closure was anything more than a simple legal action by the commercial courts. They also accuse "Le Journal" leadership of arrogantly believing they are above the law. A few independent newspapers known for their strong promotion of freedom of expression (such as "Al-Jarida Al-Aoula," which has itself faced its share of legal actions) have characterized this action as an attack on the press, and part of a pattern of Moroccan government actions over the past year to restrict press freedom. For their parts, neither the Moroccan Federation of Newspaper Publishers

(FMEJ) nor the Moroccan National Press Union (SNPM) has commented on the case.

¶5. (U) In an interview with "Aujourd'hui le Maroc," an attorney for the social security administration stated, "What is happening to 'Le Journal' is the culmination of a regular judicial process dating from 2002 ... if the amounts owed by the weekly are paid to the different creditors, all legal procedures will automatically be dropped."

Strong International Reaction

¶6. (U) By contrast, international observers have reacted strongly, condemning the closure. A representative of the Committee to Protect Journalists stated in reaction to the closure, "We condemn the strategy of using the courts to silence critical publications." British daily "The Guardian" published a critical op-ed on the closure, and several bloggers that follow press freedom issues in Morocco have also lambasted the action. Summarizing the mood, one blogger on Global Voices wrote, "The end of 'Le Journal' signals a dangerous setback for the state of freedoms in Morocco. It pulls a thorn out of the regime's side but it also sends a strong message to the remaining independent media still struggling to survive in an increasingly repressive environment."

Comment

¶7. (SBU) It is impossible to see this as a simple commercial court matter. For more than a decade, "Le Journal" has been in the vanguard of the Moroccan independent press, serving as a potent symbol of the new face of Morocco promoted tirelessly by King Mohammed VI. Since Jamai resumed writing the weekly editorials in "Le Journal" in

late 2009, we have been waiting for the other shoe to drop; the increasingly strident, direct and daring tone of his commentaries appeared designed (and destined) to provoke an overreaction by the Moroccan Government (see the block quote below, for example). There seems little doubt that this closure is intended to have a chilling effect on freedom of expression in Morocco.

18. (SBU) That said, Jamaï is not going quietly into that good night; he held a press conference on February 3 (which has garnered minimal local press coverage) in which he declared (again) that he was abandoning journalism in Morocco and exiling himself abroad in protest against the newspaper's closure (a theatrical flourish, as in truth he has not lived in Morocco for almost three years; since leaving the U.S. in the fall of 2009, he has resided in Spain where his wife is from, and come only infrequently to Morocco). Perhaps more importantly, he has an extraordinary network of contacts in the West -- he conducted fellowships at Harvard and Yale, taught at UC San Diego, and was the subject of a glowing profile in The New Yorker Magazine in 2006 entitled "The Crusader -- which he is clearly employing to great effect to generate international pressure on the GOM. End Comment.

Block Quote

19. (U) "Political Hooliganism" editorial by director Boubker Jamaï in independent French-language weekly Le Journal on 12/12/2009:

"Two series of recent events are at the origin of [Morocco's] tension with the EU: the hysterical repression that hit the press a few weeks ago, and Morocco's management of the Aminatou Haidar case. What is so dispiriting in analyzing these two examples of repression is their gratuitousness. In other words, what would have happened if the regime had not cracked down on the press, and if it had not stripped Aminatou Haidar of her nationality before

expelling her? Aside from avoiding the humiliation of the injunctions of the EU to respect press freedom and human rights, nothing. What increase in respect for the monarchy did it gain in using its "justice under orders" to send journalists to prison, ban newspapers and ruin media companies? What prestige did it gain by treating Aminatou Haidar as we have done? How has this treatment convinced the rest of the world of the Moroccan-ness of the Sahara? Because in case some people have forgotten, this is what we are supposed to be doing.

"So why? Because it's in the nature of this regime. A nature that is unfortunately nourished by our collective weakness in creating for ourselves a future for the country that respects the dignity of its citizens. The Moroccan regime, like certain autocratic regimes, has become a repression junkie. Junkies who shoot up with authoritarianism and who must constantly increase their dose. In this metaphor, we, collectively, are its pushers -- by keeping quiet, by mumbling so-called patriotic arguments with a confusing stupidity, as [then Justice Minister] Abdelouahed Radi did this week in Spain. By not daring to criticize actions and decisions that are manifestly inept. So, let's cut off the supply."

Kaplan